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# General elections in Canada



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## **The Canadian parliamentary system**

Canadians choose their federal governments through general elections for the House of Commons, the principal law-making body in the country.

The Canadian Constitution requires the election of a new House of Commons at least once every five years. This is called a federal general election to distinguish it from the many other elections held in Canada.

At the next federal general election, 282 legislators, representing the same number of electoral districts, or constituencies, will be chosen to sit in the House of Commons. They are called Members of Parliament or M.P.s. The leader of the party with the most seats becomes prime minister and forms a government, which thereafter remains answerable to the House for its policies and actions.

Canada uses a simple plurality system to elect its legislators. This is sometimes called the 'first-past-the-post' system. It means that the candidate who obtains the greatest number of votes in the constituency is elected to represent it in the House of Commons.

Under Canadian law, representation in the House of Commons must be reviewed at ten-year intervals, after each decennial census. The review normally results in the redrawing of a number of electoral boundaries. This work is carried out by electoral boundaries commissions appointed in each of the ten provinces and in one of the two territories.

The voting population of electoral districts varies from one to another but averages some 40 000.

The prime minister chooses 30 or more individuals from his party to serve with him as ministers in the Cabinet. Though one or two may be members of the non-elective Upper House, the Senate, all are usually members of the House of Commons or are elected to that House after their appointment.

The Cabinet, consisting of the prime minister and the other ministers, discharges the executive functions of government. Individual members administer different government departments such as finance, agriculture, external affairs, justice. In addition, there are sometimes one or more Cabinet members known as ministers without portfolio, who are not in charge of departments but who may be assigned by the prime minister to carry out specific executive functions within departments.

Collectively, the Cabinet provides leadership and initiative in the determination of national policy and the appointment of other chief officers of state, including lieutenant-governors of the provinces, judges and ambassadors. The Cabinet is at all times responsible to the House of Commons.

A federal general election is only one of many opportunities for Canadian citizens to make known their wishes respecting the management of public affairs. Each of the ten provinces and two territories in the Canadian federation has its own elected legislature and each has its own system of local government under which elected councils direct the affairs of cities, towns, villages, rural municipalities and school districts.

The federal Parliament, however, is the only body that makes laws for and speaks for Canada as a whole. It consists of the Queen, represented in Canada by her viceroy the governor general, the appointed Senate and the elected House of Commons.

The Queen's powers, exercised through the governor general, are used only on the advice of the Cabinet, in respect to executive decisions, and of the two Houses of Parliament, in respect to legislation. The powers of the Cabinet, too, are often exercised through the governor general, by orders-in-council that he must sign.

The Senate's powers are limited in two fundamental respects. It may not initiate financial legislation. This means that it has little more than a negative say on the taxes to be levied on Canadians and the use to which public funds may be put. Furthermore, unlike the House of Commons, it has no control over the executive. It cannot unseat a government.

Senators are appointed by the governor general on the advice of the prime minister. There are 104 members of the Senate.

The House of Commons derives its power from the fact that the prime minister and most members of the Cabinet also belong to the House and are responsible to it. They are called upon to explain their conduct and policies daily while the House is in session, especially during the question period. Their positions depend on the confidence of the House. If the House votes lack of confidence in them, they must resign or bring on an immediate election. Through the latter device they can appeal the verdict of the House to the voters at large. This happened in December 1979, when the government was defeated in the House of Commons and then obtained from the governor general a dissolution of Parliament so that a new federal general election could take place February 18, 1980.

If five years pass without an election, Parliament is dissolved through the expiry of its mandate, and an election automatically becomes necessary. More often, before the end of this term, the prime minister fixes an

election date. An election takes place usually four years or so after the previous one. In a minority-government situation, however (where no party has an absolute majority in the House of Commons), the vote is likely to come sooner, since the government is more vulnerable.

Since 1982, the period for a federal election campaign has been reduced from approximately 60 to a fixed minimum of 50 days.

### *Election arrangements*

The dissolution of Parliament sets the complicated election machinery in motion. Essentially, it consists of an office headed by the chief electoral officer in Ottawa and a returning officer for each constituency. The returning officer is responsible for the conduct of the election in his or her constituency and for setting up polling division boundaries between elections.

As insurance against being caught unprepared, the chief electoral officer starts to get ready for a new election as soon as the last one is over. A general election requires the production of several hundred tonnes of paper material, such as ballot paper, manuals of instruction and forms of many kinds.

Sufficient quantities of these materials are shipped to the returning offices, some before and some after the calling of the election. Returning officers then complete plans for taking the votes in their areas, arrange for the rental of polling stations, assign enumerators to compile lists of eligible voters, and appoint deputy returning officers. The voters' lists are no longer posted in public places as a result of public outcry at the invasion of privacy it created in the past. Instead, each elector on the list prepared by the enumerators is sent a notice of enumeration card informing him or her that their name is on the voters' list and when and where they may vote. Following the enumeration of electors is a period of revision of the lists during which changes and additions can be made.

The independence of the chief electoral officer is assured by the fact that he is appointed by resolution of the House of Commons and not by the Cabinet, as are most public servants of similar rank. His salary is set by law and not by order-in-council. Finally, he is responsible to the Commons, and not to the government, and can be removed only for cause by the governor general on address of the Senate and the House of Commons.

### *The voters*

Every Canadian citizen, 18 years of age or over and resident in Canada has

the right to vote. At the thirty-third general election it is expected some 16 million electors will be eligible to vote.

Persons born in Canada or born in a foreign land of Canadian parents are automatically Canadian citizens. Persons born in a foreign country may acquire Canadian citizenship after living three years in Canada.

Among those deprived of their franchise — but only so long as the cause of the deprivation lasts — are prisoners in penal institutions and persons restrained in their liberty of movement or deprived of the management of their property by reason of mental disease. Certain classes of person are deprived of their vote because of their official functions: the chief electoral officer and his assistant, federally-appointed judges (except for citizenship judges), and returning officers. The last-mentioned must cast the tie-breaking ballot if two candidates for election receive the same number of votes. Finally, any person found guilty of electoral fraud may lose the franchise for a specified period.

Voters who for any reason feel they cannot get to the polls on election day — whether because they plan to take a trip or attend a wedding — can vote in advance poll held on the ninth, seventh and sixth days before polling day. Those who are unable to cast their vote at an advance poll or on election day may do so in the office of the returning officer from the twenty-first day to and including the Friday, the third day before polling day, except on the advance polling days.

Fishermen, mariners, prospectors, physically-incapacitated persons, members of air crews, forestry crews, topographical survey crews, or trappers and students away from home have, under certain conditions, the right to vote by proxy.

Canadian public servants posted abroad, such as the staffs of embassies, vote before election day, with their dependants. The total in the thirty-third election is expected to be about 2 000.

In the same category for voting purposes are all 83 000 members of the regular armed forces in Canada and abroad plus their dependants posted abroad.

These special votes usually take place throughout the second week before the election.

## **The Candidates**

In general, anyone eligible to vote is eligible for nomination and election to the House of Commons. There are no property or educational qualifications.

Some exceptions to this rule are members of provincial legislatures, judges, persons convicted of corrupt electoral practices, public servants, except those having been granted leave of absence without pay to seek nomination under the Public Service Employment Act, and members of the regular armed forces. None of these may run for election to the House of Commons.

Most candidates are the official representatives of the various political parties, chosen at party-nominating conventions.

Nominations close 28 days before election day. A candidate need not reside in the constituency he or she is contesting. The nomination, however, must be endorsed by at least 25 electors in the constituency, and must identify the official agent and the auditor he or she is required to appoint. The candidate must put up a \$200 deposit which is returned to him if he wins the election or polls 15 per cent of the total valid votes cast. This is to discourage frivolous nominations.

### *Parties*

Everyone is free to form a political party and to join or support any party he or she chooses, but only a federally-registered political party may enjoy election expenses privileges.

Two parties have hitherto shared the allegiance of most Canadian voters. They are the Progressive Conservatives, usually called simply the Conservatives, and the Liberals. Every Canadian government up to now has been formed by one or other of these parties or a merger of elements of both. Other parties have succeeded in winning provincial elections and have regularly elected members to the House of Commons. Two of the most prominent in this respect are the New Democratic and the Social Credit Parties.

At the last federal election in 1980, there were nine registered political parties. One advantage of registration is that the name of the party is

printed on the ballot paper used by electors together with the name of each candidate. A party must officially field candidates in at least 50 constituencies at an election for its registration to become effective.

The principal political parties function through voluntary associations with headquarters in the national capital but in more or less intimate association with organizations at the provincial and constituency levels.

The constituency association is responsible for selecting the candidate who will contest that seat in the election. (It also sends delegates to national assemblies where the party leader is chosen and party policies formulated.)

As the time for an election approaches, party associations hold campaigns aimed at publicizing the party's policies and the personality of its leader. These campaigns reach their peak in the weeks immediately preceding an election, as the leaders move across the country addressing meetings and meeting individual voters.

### *Expenses*

Canada is the size of a continent and spans six time zones. Many parts are sparsely populated, yet, as far as possible, every voter, no matter where he or she lives, must be given a chance to vote.

The Chief Electoral Office expects to spend \$95 million in public funds at the next election — on printing, salaries and fees for election officials, transportation, polling place rentals and other costs such as an information program aimed at the general public. Included in this amount are the expense reimbursements which some candidates and political parties may be entitled to receive.

The campaign expenses of candidates and political parties will exceed several million dollars. These funds come from private sources — the candidates themselves, friends and well-wishers, and party supporters.

Individual candidates must keep detailed accounting records and, after the election, must declare their election expenses. They are required to appoint official agents to receive all contributions and make all disbursements on their behalf, and an auditor.

Under the Income Tax Act, persons or corporations who donate money to a registered political party during any given year, or to an official candidate during an election, are entitled to a partial reimbursement in the form of a tax-credit receipt. They may then deduct this directly from their income tax payable.

A disclosure requirement also exists, so that the returns submitted by registered political parties and official candidates must identify all donors

whose contribution exceeded \$100. This becomes public information.

Legislation approved by Parliament, which has been in force since August 1, 1974, has the effect of limiting campaign spending. At the same time, candidates who are elected or who obtain at least 15 per cent of the valid votes cast are entitled to a reimbursement of 50 per cent of their actual expenses from the public treasury and registered political parties are also entitled to a reimbursement of 22.5 per cent of their actual expenses.

Large expenditures are required to finance the national campaigns of the parties, but these, too, are limited in law. They cover advertising in newspapers and other publications, radio and television broadcasts, printing and distribution of literature, travel expenses of the leaders and party organizers, and rental of office space and meeting halls.

Partisan radio and television broadcasts as well as advertising in periodical publications are prohibited from the day of the issue of the writs to the twenty-ninth day before polling day, as well as on polling day and on the day immediately preceding polling day. Owing to time-zone differences, election results in eastern Canada are known before voting ends in the west. Federal law therefore prohibits the publication or broadcast in any area, before polls close in that area, of the result of voting in any electoral district in Canada. This is intended to prevent late-voting westerners from being influenced by results already made public in the east.

### *Compilation of results*

As soon as the polls close, counting of ballots begins. The deputy returning officer and the poll clerk are responsible for counting the votes in each polling division. These counts are transmitted to the returning officer and are made public as they are completed. Within a few hours of the closing of the polls, the result in most constituencies is known. The national outcome of the election is usually known by midnight, eastern time. The official count is usually undertaken in each electoral district by the returning officer a few days after polling day.

## **Consequences of an election**

If the party forming the government before the election wins a majority or has the largest number of seats in the new House of Commons, the members of the Cabinet must be sworn in again. Even when a general election returns the same party to power, the makeup of the Cabinet usually changes.

If another party wins a majority or has the largest number of seats in the new House of Commons, the prime minister, within a few weeks, submits his resignation and that of his Cabinet to the governor general with a recommendation that the leader of the winning party be called on to form a new government.

The parliamentary system, combined with the Canadian electoral system, appears to have served Canada well. During more than 100 years of Canadian federation it has, by and large, produced governments responsive to the will of the people and capable of developing long-range policies.









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